IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NO.14134 OF 2007
AND
TAKEN UP WRIT PETITION NO.14419 OF 2007

Dated : July 13, 2007

Between:

Razia Begum

Petitioner in both the writ petitions.

AND

The Station House Officer,
Rajendranagar Police Station,
Rangareddy District and another

Respondents in WP No.14419 of 2007

The Station House Officer,
Rajendranagar Police Station,
Rangareddy District

Respondent in WP No.14134 of 2007

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND

THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NO.14134 OF 2007
AND
TAKEN UP WRIT PETITION NO.14419 OF 2007

ORAL COMMON ORDER: **(per the HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. Since the grievance in both these writ petitions is one and the same, they are disposed of by this common order.

3. The petitioner, in both these writ petitions, seeks writ of Habeas Corpus directing the respondents to produce her son Raheem and two others viz., Jahangir and Kazim, who are alleged to have been illegally taken away and detained since 26.06.2007 by the Rajendranagar Police.

4. Pursuant to the notice issued by this Court, a common counter-affidavit has been filed by the Inspector of Police, Rajendranagar, Cyberabad, stating, *inter alia*, that the alleged detenus are required in Cr.No.593 of 2007, initially registered for the offence punishable under Section 392 I.P.C., which was subsequently altered to Section 395 I.P.C., on 19.06.2007; that during the course of investigation, the alleged detenu No.1 was apprehended on 03.07.2007 and basing on the information made available by him, the alleged detenu No.2 Mohd. Jahangir, who is Accused No.3 in the above

crime, was apprehended and produced before the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, on 04.07.2007, who remanded them to judicial custody and that they are lodged in Central Prison, Cherlapally, Ranga Reddy District.

5. It is further stated that the alleged detenu No.3 Syed Kazim, who is also required in the above crime, being accused No.7, is absconding and the respondents are yet to apprehend him.

6. It is seen from the various cases, particularly in Habeas Corpus Writ Petitions, counter-affidavits are, no doubt, being filed promptly by the officials, but no mention is made in any of the counter-affidavits as to whether information has been furnished to the parents or the close relatives, as the case may be, of the persons so arrested and about their production before the Magistrate concerned.

7. Hence, we only hope that the official respondents while filing the counter-affidavit shall necessarily make a mention about the information furnished to the parents or the close relatives about the arrest of such persons.

8. In view of the revelations in the common counter-affidavit, we do not see any reason to proceed any further with these writ petitions and the same are liable to be dismissed.

9. Accordingly, both the writ petitions are dismissed, at the stage of admission. However, there shall be no order as to costs.

D.S.R.Varma, J.

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D.Appa Rao, J.

July 13, 2007
MAS